

EWPP-FPE PROCESS and GUIDANCE FOR TENNESSEE

All application materials are to be uploaded to the Share Points Site at an address to be provided in a separate email.

Application Process

The following information constitutes a full application package when submitting data to the State Office for processing:

Needed Immediately for Preliminary Title Search and Due Diligence Database Search

- ☐ Form AD 1153 Application for Long Term Contracted Assistance
- ☐ Copy of Landowner Deed for Property being Offered to EWPP-FPE
- ☐ County tax map of entire subject property or Parcel Number
 - ☐ NRCS generated map with Lat/Long Coordinates of offered property
- ☐ Map of legal access to Ingress and Egress to the easement area

Assisting Documents for Full Application

- ☐ Form TN CPA 25 completed
- ☐ Form CCC 505, DCP Base Acres
- ☐ Form CCC 501A, Members Information for Entities (**WITHOUT SIGNATURES AT THIS TIME**)
- ☐ Form CP 09 Power of Attorney (if applicable)
- ☐ Form Preliminary Certificate of Inspection and Possession
- ☐ Hazardous Substance Examination Checklist - (Title 440 - Conservation Programs Manual Exhibit 514.68d)
- ☐ EWPP-FPE Environmental Ranking Sheet

Preliminary Title Search

All completed applications are submitted to the NRCS selected Attorney for a Preliminary Title Opinion (PTO). Any title blemishes or encumbrances to the property being offered for an easement will be stated and reported to the landowner for clearance before proceeding further. Providing a clear title to the property is the responsibility of the landowner.

Due Diligence Database Check

All clear PTO's will be submitted to a NRCS selected Environmental Firm as required nationally to scan for any hazardous or environmental contamination listings by property. Any reported violations on the property being offered for an easement will be stated, therefore ruling the application ineligible and rejected for FPE.

FPE Contract Process

Once the application has cleared preliminary screenings of title and due diligence, NRCS will be prepared to make the landowner an offer based on the approved Geographic Rate Cap for the county. Once NRCS receives the Option to Purchase and the authorized signatory signs and dates the form, the contract timeframe begins and funds are obligated for the Easement Purchase Price agreed upon.

- ☐ Form AD 1157 Option to Purchase sent to Landowner to Sign and Return for Acceptance – State Office Issued
- ☐ SF 1199A Direct Deposit Sign Up Form
- ☐ Form AD 1158 Subordination Agreement and Limited Lien Waiver given to Landowner – State Office Issued

SURVEY Process

Easement acres being offered for FPE will be surveyed by NRCS selected firms. Upon receipt of the legal survey of the easement acres and the ingress / egress description of the property, acreages will be confirmed and recorded. Acreage resulting in a 10% change increase or decrease will necessitate an amendment to the Option to Purchase be issued to the landowner. A revised offer amount will be noted with the corrected acreage for the easement area.

- ☐ Form AD 1157A Option to Purchase Amendment 1 – Initiated by State Office

Closing Process

The Preliminary Title Opinion and Legal Survey of the FPE offered land with ingress and egress will be submitted to the Office of General Counsel (OGC) for review and preparation of the Warranty Easement Deed. OGC will send all final preparations for closing to the State Office. The State Conservationist will sign and receive the Warranty easement Deed for NRCS under a notary witness. Closing letters and guidance will be prepare and submitted to the closing attorney for filing and recording at the respective courthouse.

Appropriate obligating documents will be submitted to Financial Management for processing payments. Payments are issued by Direct Deposit through U.S. Treasury. Landowners receive a direct deposit separate from the closing attorney fees. The attorney will receive payment and will be responsible for the final recording of the easement and for collecting payment from the landowner for current year's taxes not yet paid, plus 10% for escrow. If the landowner wishes for payment to be assigned to the closing attorney for disbursement of funds at closing time, an assignment of payment form must be submitted to State Office prior to processing the payment.

- ☐ Certificate of Use and Consent Form – Issued to DC for Signature by State Office
- ☐ Final Certificate of Inspection and Possession Form – Issued to DC by Closing Attorney
- ☐ Form CCC 36 Assignment of Payment – **OPTIONAL** if requested by the Landowner
- ☐ Notification of Easement Closing to FSA with CCC 505 form and location maps (**ALL DCP PAYMENTS STOP AFTER EASEMENT CLOSES**)– Initiated by State Office

EWPP-FPE Restoration Process

Restoration on floodplain easements will include all necessary conservation practices, measures and activities required to restore the floodplain functions and values to the natural conditions to the greatest extent practicable. A final FPERPO must be submitted to the State Office for restoration funds to be obligated.

- ☐ Floodplain Easement Restoration Plan (FPERPO) - Developed by District Conservationist and Area Biologist
- ☐ Form AD 1154 Long Term Agreement
- ☐ Form AD 1155 Conservation Plan Schedule of Operations – Submitted to State Office by DC
- ☐ Form AD 1156 Revision or Modification of Schedule of Operation
- ☐ Form AD 1161 Application for Payment – Submitted to State Office by DC

Status Review Process

- ☐ Form NRCS-LTP 13 Status Review